

REMARKS

Claims 5, 7, 9, 11, 13 and 15 have been canceled.

Claim 6 has been amended to rewrite it as an independent claim incorporating the language of claim 5 and to specify that any one of exons 1-15 is amplified and to include primers in "i" for amplifying exon 7.

Claim 12 has been amended to rewrite it as an independent claim incorporating the language of claim 11.

Claim 17 has been amended to change its dependency to claim 12 in view of the cancellation of claim 11.

It is submitted that these amendments do not constitute new matter, and their entry is requested.

Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 5, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Keating et al. (US 5,599,673). The cancellation of these claims obviates this rejection. Withdrawal of this rejection is requested.

Rejection for Lack of Written Description Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 5-10 and 17 under 35 U.S.C. § 112, first paragraph for lack of written description. With respect to claims 5-10, the Examiner contends that there is no written description for, in essence, not amplifying exon 7 which was excluded from the claim language of amended claim 5. Claim 6 has been amended to incorporate the language from claim 5. Claim 6 has further been amended to include reference to all of the exons of HERG. Applicants submit that claim 6 as amended is fully supported by the specification, and there is thus written description for the claimed subject matter.

With respect to claim 17, the Examiner contends that there is no written description for amplifying "entire 15 exon with no other sequence" as recited by the instant claim. Applicants note that this claim is not directed to the amplification of exon 15 as stated by the Examiner, but

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is directed to the amplification of all 15 exons, i.e., the entire HERG gene, which is fully supported by the cited paragraphs in the specification. Thus, claim 17, as amended to depend from claim 12, is fully described by the specification.

In view of the above amendments and remarks, Applicants submit that the claims are fully supported by the written description. Withdrawal of this rejection is requested.

Rejection Under 35 U.S.C. § 102(a)

The Examiner rejected claims 11, 13, 15 and 17 under 35 U.S.C. § 102(a) as being anticipated by Itoh et al. (*Human Genetics* 102:435-439, 1998). The cancellation of claims 11, 13 and 15 and the amendment of claim 17 to depend from claim 12 obviate this rejection. Withdrawal of this rejection is requested.

Claim Objections

The Examiner objected to claims 6, 8, 10, 12, 14 and 16 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 6 and 12 have been rewritten in independent form. Claims 8 and 10 depend from claim 6, and claims 14, 16 and 17 depend from claim 12.

In view of the above amendments and remarks, Applicants submit that the objection to the claims has been obviated. Withdrawal of this rejection is requested.


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Conclusions

In view of the above amendments and remarks, it is believed that the claims satisfy the requirements of the patent statutes and reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,
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